

Chair Anne Boyle called the regularly scheduled meeting to order at 10:07 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present. Chair Boyle invited the public to address the Commission and also announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. No announcements were made.

#### GENERAL ADMINISTRATION

Notice was duly published September 2, 2008 on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 9, 2008 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

#### Monday, September 15:

FC-1331 Niobrara Conference Room, Lincoln. Planning Conference.  
2:30 In the Matter of Kinder Morgan Interstate Gas Transmission, LLC, Lakewood, Colorado vs. Aquila, Inc., Omaha, and Nebraska Resources Company, Tulsa, Oklahoma, alleging violations of the State Natural Gas Regulation Act. Commissioner Frank Landis presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

C-3953 In the Matter of Network PTS, Inc., Danville, California, seeking voluntary cancellation of their authority to provide interexchange telecommunications services in the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3948 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a Transit Rate Calculation Amendment to the Interconnection Agreement with 360networks (USA)inc., Seattle, Washington, previously approved in Docket C-3601: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-030.05 In the Matter of Jeffrey L. Pursley, Director, Telecommunications Infrastructure & Public Safety Department, Nebraska Public Service Commission, Complainant, v. Cricket Communications, Inc., San Diego, California, Respondent: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order approving a stipulation and dismissing the Complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-69 In the Matter of the Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: NE Colorado Cellular, Inc., d/b/a Viaero. Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter a protective order. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-69 In the Matter of the Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: NE Colorado Cellular, Inc., d/b/a Viaero. Sue Vanicek discussed the Hearing Officer's order entered September 9, 2008 scheduling a hearing for December 16, 2008 at 11:00 a.m. in the Commission Hearing Room, Lincoln, with the hearing to be continued to December 17-19, 2008 if needed.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances. Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to grant the request from SBC Long Distance, LLC for a one-time waiver for the late fees previously levied by the Commission for the late-filed May, 2008 Remittance Worksheet. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

FC-1327 In the Matter of the Formal Complaint of the Nebraska Public Advocate seeking a determination that Kinder Morgan, Inc. and/or its successor in interest, SourceGas Distribution, LLC improperly implemented, billed and received payment for interim and final rates in NG-0036 for which customers are entitled to a credit or refund from Kinder Morgan, Inc. and/or SourceGas Distribution, LLC. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT (Cont.)

NG-0053      In the Matter of the Amended Application of Nebraska Resources Company, LLC, Tulsa, Oklahoma, seeking a Certificate of Public Convenience and Necessity authorizing it to operate as a jurisdictional utility in Nebraska and approval of tariff. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson present not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter Assessment Orders in Dockets FC-1327, NG-0041, NG-0046/PI-128 and NG-0053. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

FC-1327      In the Matter of the Formal Complaint of the Nebraska  
HS-0017      Public Advocate seeking a determination that Kinder Morgan, Inc. and/or its successor in interest, SourceGas Distribution, LLC improperly implemented, billed and received payment for interim and final rates in NG-0036 for which customers are entitled to a credit or refund from Kinder Morgan, Inc. and/or SourceGas Distribution, LLC. Commissioner Vap presiding as Hearing Officer.

NG-0041      In the Matter of Aquila, Inc., d/b/a Aquila Networks  
HS-0032      (Aquila), Omaha, seeking individual general rate increases for Aquila's Rate Area One, Rate Area Two, and Rate Area Three. Commissioner Landis presiding as Hearing Officer.

NG-0046/      In the Matter of the Commission, on its own motion, seeking  
PI-128      to investigate certain customer service issues and plans  
HS-005      relating to SourceGas Distribution LLC, f/k/a Kinder Morgan, Inc., Lakewood, Colorado. Commissioner Vap presiding as Hearing Officer.

NG-0053      In the Matter of the Amended Application of Nebraska  
HS-0010      Resources Company, LLC, Tulsa, Oklahoma, seeking a Certificate of Public Convenience and Necessity authorizing it to operate as a jurisdictional utility in Nebraska and approval of tariff. Commissioner Landis presiding as Hearing Officer.

TRANSPORTATION DEPARTMENT

Rate Division

BR-332        In the Matter of the League of Human Dignity vs. R&F Hobbies, Inc., dba Prince of the Road, Transport Plus, Inc., Caring Network, Inc., A-1 Transportation, LLC, dba A-1 Special Services, Hope Transportation, Inc., Prime Consultants, Inc., dba Goodwill Medical Transportation, Inc. Commissioner Boyle presiding as Hearing Officer: Upon agreement of all Commissioners, the hearing previously scheduled for a date later to be determined was continued to October 16, 2008, at 9:30 a.m. in the Commission Hearing Room, Lincoln.

TR-164        In the Matter of Servant Cab Company, LLC, Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an Order Nunc Pro Tunc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

MR-930        In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The fuel surcharge was decreased to \$1.16 per mile and the Tariff 22 was decreased to \$7.96 per truck per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

National Regulatory Research Institute	\$ 5,000.00
Thomson West	15.00
Kent Pribyl	1,174.44
Gerald Vap	1,099.84

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve Commission minutes for the month of August, 2008. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter into closed session to discuss personnel issues. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:28 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to return to open session. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission returned to open session at 11:09 a.m.

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The meeting adjourned at 11:11 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present. The next regularly scheduled meeting will be held on September 16, 2008, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on September 15, 2008.

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Chair

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Executive Director